IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

FIRST APPEAL NO.1979 OF 2005

M/s.Shreyas Builders & Anr. : Appellants.

versus

Dattatraya Premanand Joshi : Respondent.

Mr.K.K.Shroff i/by Mr.V.P.Sawant for the appellants.

Mr.Y.V.Apte for the respondent.

CORAM : D.G.DESHPANDE,J.

DATED : 26th October 2005.

ORAL ORDER

1. This appeal is filed by the original defendant challenging the decree of the Joint Civil Judge, Sr.Division, Pune. By consent the appeal is admitted and taken up for final hearing, because the matter was such which could be settled. It is settled with the following terms by consent of both the advocates.

2. The defendants shall pay Rs.1,00,000/- to the plaintiff. This amount of Rs.1,00,000/- shall carry interest at 15% p.a. from the date of filing of the suit till the date of the judgment i.e. till 15th December 2004. The future interest i.e. the interest from the date of the judgment till payment will be at the rate of 9% p.a.. The plaintiff and defendants both will make the calculations about the exact amount payable by the defendants to the plaintiff within two weeks and within 15 days thereof the defendants will pay that amount to the plaintiff in the trial Court. Counsel for the plaintiff admits that the defendants had paid Rs.15,000/- already. That amount will be deducted. Rest of the order of the trial court to remain as it is. Defendants to pay costs of the suit to the plaintiff. So far as this appeal is concerned, there shall be no order as to costs. All rights and contentions, so far as it relates to the mense profit, are kept open.

3. Both the parties to act upon ordinary copy of this order duly authenticated by the Court Sheristedar.

[D.G.DESHPANDE,J]